

EPCRA FACT SHEET FOR NORTH DAKOTA

Penalties for non-compliance with EPCRA requirements can be as high as \$40,000 , (\$25,000 federal) and (\$15,000 state) , per day per incident.

Threshold Planning Quantities (TPQs) are based on the highest quantity present at the facility at any one time during the calendar year.

The Tier II report is due March 1st annually, and is for the previous calendar year. The Tier II fee is \$25.00 per “reportable” substance/chemical per facility, with a maximum of \$150.00 per facility.

- Each type of gasoline, such as regular, premium and super unleaded and ethanol and or methanol, can be reported separately, **BUT** is considered as **one** substance/chemical for fee payment. If your aggregate total of gasoline meets or exceeds the Threshold Planning Quantity (TPQ), you must report all types present, even if you have less than the TPQ of some. The same applies to diesel fuel, fuel oil, heating oil, etc.

**** Lubricants, other fluids and anti-freeze received, stored and sold in containers of the size generally available for distribution to the general public, such as quart, gallon and five quart, are excluded from reporting requirements. Those substances received in bulk, **ARE NOT EXEMPT**, even if they are later re-distributed into the smaller containers.**

Lubricants and other fluids are reported separately and fee payment is required for each, because they have distinctly different characteristics and properties. The same applies to ethylene glycol and propylene glycol.

Sulfuric acid/battery acid is classified as an extremely hazardous substance (EHS). If you have a reportable amount of this substance/chemical at your facility, you **MUST** notify your Local Emergency Planning Committee (LEPC), (through the County Emergency Manager), that you have an EHS substance present and designate a liaison person to communicate with the LEPC to ensure plans are in place to respond to a possible release/spill of this substance/chemical. This requirement is in addition to reporting sulfuric acid on the Tier II report.

The North Dakota Hazardous Chemicals Preparedness and Response Program is part of the North Dakota Disaster Act, and makes the provisions of EPCRA, part of the North Dakota Century Code. If you wish to review the North Dakota Disaster Act or the federal law, please contact our office.

**NORTH DAKOTA DEPARTMENT OF EMERGENCY SERVICES
DIVISION OF HOMELAND SECURITY
Hazardous Chemicals Preparedness and Response Program
Phone: 701-328-8100 Fax: 701-328-8181
P.O. Box 5511
Bismarck, ND 58506-5511**

SARA Title III, Section 312 Information

General Information:

- Annual reports and hazardous chemical fees are due by March 1st
- MSDS sheets **ARE NOT** required with your report.
- Use of the standard federal Tier Two form (enclosed) or the Tier2 Submit reporting form is requested.
- We **WILL ACCEPT** Tier II Submit reporting Tier II's
- We **WILL NOT ACCEPT** the Tier II Win Tier II product from Jordan Systems
- The original report and hazardous chemical fee is to be mailed to the address listed above. **DO NOT** send your hazardous chemical fee payment under separate cover. **PLEASE** include your fee payment with your original report.
- A copy of your Tier Two report form **must be** submitted to your County Emergency Manager and to your local fire department.
- Any report missing information will be returned for completion.
- ND Department of Emergency Services website for hazardous chemical information and documents is:

www.state.nd.us/des/HazrdPrg.html

FEES: (All fees, payable by check or money order, are to be made payable to "North Dakota Department of Emergency Services").

NOTE: **WE ARE UNABLE TO ACCEPT CREDIT CARD PAYMENTS.**

- The North Dakota Hazardous Chemical fee is \$25.00 per substance per facility as reported on the Tier Two form. There is a maximum fee of \$150.00 per facility.
- You **MUST FILE** a separate Tier Two report for each site that has a separate physical location.
- If you are using a computer generated Tier Two report form, every three chemicals are counted as one page.

QUESTIONS:

Contact either Ray DeBoer – rdeboer@nd.gov; Roxann Hopfauf – rhopfauf@nd.gov; or Brandon Hoechst – bhoechst@nd.gov or at (701) 328-8100.